

AMENDED IN ASSEMBLY JANUARY 6, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 758**

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**Introduced by Assembly Members Frazier and Perea**

February 21, 2013

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An act to amend Section 10850.4 of, and to add Section 10850.45 to, of the Welfare and Institutions Code, relating to child abuse and neglect.

LEGISLATIVE COUNSEL'S DIGEST

AB 758, as amended, Frazier. Child abuse and neglect: reports.

*Existing federal and state law requires the State Department of Social Services, as the state agency that administers and oversees the state's child welfare program and as a condition of receiving certain federal funding, to, among other things, monitor and evaluate activities carried out in the state's child welfare programs and report suspected instances of physical or mental injury, sexual abuse or exploitation, or negligent treatment or maltreatment of a child receiving specified aid.*

*This bill would restate the duties of the State Department of Social Services relating to the state's child welfare programs. The bill would require the department to continue performing those duties by establishing policies and procedures that ensure the department is notified of child deaths by each county, investigates those deaths, and concludes whether the deaths were preventable by systemic reforms at the county level.*

~~(1) Existing~~

*Existing law requires the custodian of records within a county child welfare agency, within 5 business days of learning that a child fatality has occurred in the county and that there is a reasonable suspicion that*

the fatality was caused by abuse or neglect, to release *specified records* upon ~~request~~ *specified records*, *request*, subject to the redaction of certain identifying personal information, of child abuse or neglect that results in the death of a child. Existing law requires each county welfare agency or department to notify the State Department of Social Services, as provided, of all child fatalities that occurred within its jurisdiction that were the result of child abuse or neglect.

~~This bill would require each county child welfare agency, within 60 calendar days of determining that abuse or neglect led to a child's death in the county, as described, to review the child's death and prepare a written report containing specified information. The bill would require the county child welfare agency to submit this report to the State Department of Social Services within 10 business days of its completion. By increasing the duties of local agencies, this bill would impose a state-mandated local program.~~

~~(2) Existing~~

~~Existing law requires the State Department of Social Services to annually issue a report identifying the child fatalities and any systemic issues or patterns revealed by the notices submitted by county welfare services departments or agencies and other relevant information.~~

~~This bill would require, commencing January 1, 2014, require this report to include additional information provided to the department pursuant to the above-described reports prepared by county child welfare agencies: information, including an analysis of the circumstances leading to each child's death if the child had previously received child welfare services in the county in which the death occurred or in which the child had been the subject of a report of possible abuse or neglect and an evaluation and conclusion of whether child welfare services provided to the child, if any, were provided in a manner that is consistent with state law, federal law, and county policies and procedures.~~

~~(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: *yes-no*.

*The people of the State of California do enact as follows:*

1     **SECTION 1.** *Section 10850.4 of the Welfare and Institutions*  
2 *Code is amended to read:*

3     10850.4. (a) Within five business days of learning that a child  
4 fatality has occurred in the county and that there is a reasonable  
5 suspicion that the fatality was caused by abuse or neglect, the  
6 custodian of records for the county child welfare agency, upon  
7 request, shall release the following information:

8         (1) The age and gender of the child.

9         (2) The date of death.

10        (3) Whether the child was in foster care or in the home of his  
11 or her parent or guardian at the time of death.

12        (4) Whether an investigation is being conducted by a law  
13 enforcement agency or the county child welfare agency.

14     (b) All cases in which abuse or neglect leads to a child's death  
15 shall be subject to the disclosures required in subdivision (c). Abuse  
16 or neglect is determined to have led to a child's death if one or  
17 more of the following conditions are met:

18         (1) A county child protective services agency determines that  
19 the abuse or neglect was substantiated.

20         (2) A law enforcement investigation concludes that abuse or  
21 neglect occurred.

22         (3) A coroner or medical examiner concludes that the child who  
23 died had suffered abuse or neglect.

24     (c) Upon completion of the child abuse or neglect investigation  
25 into the child's death, as described in subdivision (b), the following  
26 documents from the juvenile case file shall be released by the  
27 custodian of records upon request, subject to the redactions set  
28 forth in subdivision (e):

29         (1) All of the information in subdivision (a).

30         (2) For cases in which the child's death occurred while living  
31 with a parent or guardian, all previous referrals of abuse or neglect  
32 of the deceased child while living with that parent or guardian  
33 shall be disclosed along with the following documents:

34             (A) The emergency response referral information form and the  
35 emergency response notice of referral disposition form completed  
36 by the county child welfare agency relating to the abuse or neglect  
37 that caused the death of the child.

1 (B) Any cross reports completed by the county child welfare  
2 agency to law enforcement relating to the deceased child.

3 (C) All risk and safety assessments completed by the county  
4 child welfare services agency relating to the deceased child.

5 (D) All health care records of the deceased child, excluding  
6 mental health records, related to the child's death and previous  
7 injuries reflective of a pattern of abuse or neglect.

8 (E) Copies of police reports about the person against whom the  
9 child abuse or neglect was substantiated.

10 (3) For cases in which the child's death occurred while the child  
11 was in foster care, the following documents in addition to those  
12 specified in paragraphs (1) and (2) generated while the child was  
13 living in the foster care placement that was the placement at the  
14 time of the child's death:

15 (A) Records pertaining to the foster parents' initial licensing  
16 and renewals and type of license or licenses held, if in the case  
17 file.

18 (B) All reported licensing violations, including notices of action,  
19 if in the case file.

20 (C) Records of the training completed by the foster parents, if  
21 in the case file.

22 (d) The documents listed in subdivision (c) shall be released to  
23 the public by the custodian of records within 10 business days of  
24 the request or the disposition of the investigation, whichever is  
25 later.

26 (e) (1) Prior to releasing any document pursuant to subdivision  
27 (c), the custodian of records shall redact the following information:

28 (A) The names, addresses, telephone numbers, ethnicity,  
29 religion, or any other identifying information of any person or  
30 institution, other than the county or the State Department of Social  
31 Services, that is mentioned in the documents listed in paragraphs  
32 (2) and (3) of subdivision (c).

33 (B) Any information that would, after consultation with the  
34 district attorney, jeopardize a criminal investigation or proceeding.

35 (C) Any information that is privileged, confidential, or not  
36 subject to disclosure pursuant to any other state or federal law.

37 (2) (A) The State Department of Social Services shall  
38 promulgate a regulation listing the laws described in subparagraph  
39 (C) of paragraph (1) and setting forth standards governing  
40 redactions.

1 (B) Notwithstanding the rulemaking provisions of the  
2 Administrative Procedure Act (Chapter 3.5 (commencing with  
3 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
4 Code), until emergency regulations are filed with the Secretary of  
5 State, the State Department of Social Services may implement the  
6 changes made to Section 827 and this section at the 2007–08  
7 Regular Session of the Legislature through all-county letters or  
8 similar instructions from the director. The department shall adopt  
9 as emergency regulations, as necessary to implement those changes,  
10 no later than January 1, 2009.

11 (C) The adoption of regulations pursuant to this paragraph shall  
12 be deemed to be an emergency necessary for the immediate  
13 preservation of the public peace, health, safety, or general welfare.  
14 The emergency regulations authorized by this section shall be  
15 exempt from review by the Office of Administrative Law. The  
16 emergency regulations authorized by this section shall be submitted  
17 for filing with the Secretary of State and shall remain in effect for  
18 no more than 180 days, by which time the final regulations shall  
19 be adopted.

20 (f) Upon receiving a request for the documents listed in  
21 subdivision (c), the custodian of records shall notify and provide  
22 a copy of the request upon counsel for any child who is directly  
23 or indirectly connected to the juvenile case file. If counsel for a  
24 child, including the deceased child or any sibling of the deceased  
25 child, objects to the release of any part of the documents listed in  
26 paragraphs (2) and (3) of subdivision (c), they may petition the  
27 juvenile court for relief to prevent the release of any document or  
28 part of a document requested pursuant to paragraph (2) of  
29 subdivision (a) of Section 827.

30 (g) Documents from the juvenile case file, other than those listed  
31 in paragraphs (2) and (3) of subdivision (c), shall only be disclosed  
32 upon an order by the juvenile court pursuant to Section 827.

33 (h) Once documents pursuant to this section have been released  
34 by the custodian of records, the State Department of Social Services  
35 or the county welfare department or agency may comment on the  
36 case within the scope of the release.

37 (i) Information released by a custodian of records consistent  
38 with the requirements of this section does not require prior notice  
39 to any other individual.

1     (j) (1) *As a condition of receiving federal funding under Title*  
2 *IV-E of the Social Security Act (42 U.S.C. Sec. 671 et seq.), the*  
3 *State Department of Social Services has designated itself as the*  
4 *state agency that administers and oversees the state’s child welfare*  
5 *program. To receive Title IV-E funding, the department represents*  
6 *that it has done and shall continue doing all of the following:*

7     (A) *Develop and implement standards to ensure that children*  
8 *in foster care placements in public or private agencies are provided*  
9 *quality services that protect the safety and health of the children.*

10    (B) *Monitor and conduct evaluations of activities carried out*  
11 *in the state’s Title IV-E program.*

12    (C) *Report to an appropriate agency or official known or*  
13 *suspected instances of physical or mental injury, sexual abuse or*  
14 *exploitation, or negligent treatment or maltreatment of a child*  
15 *receiving aid under Title IV-B or IV-E under circumstances that*  
16 *indicate that the child’s health or welfare is threatened.*

17    (D) *Arrange for a periodic and independently conducted audit,*  
18 *no less frequently than once every three years, of the Title IV-B*  
19 *or IV-E programs.*

20    (E) *Create a case review system that meets the requirements of*  
21 *Sections 475(5) and 475(6) of the Social Security Act (42 U.S.C.*  
22 *Secs. 675(5) and 675(6)) and ensures that a review of each child’s*  
23 *status is made no less frequently than once every six months, either*  
24 *by a court or by an administrative review, to determine all of the*  
25 *following:*

26     (i) *The safety of the child.*

27     (ii) *The continuing need for, and appropriateness of, the*  
28 *placement.*

29     (iii) *The extent of compliance with the case plan.*

30     (iv) *The extent of progress made toward alleviating or mitigating*  
31 *the causes necessitating the placement.*

32     (v) *A projected likely date by which the child may be returned*  
33 *and safely maintained at home or placed for adoption or legal*  
34 *guardianship.*

35    (2) *To perform the duties listed in paragraph (1), the State*  
36 *Department of Social Services shall establish policies and*  
37 *procedures to ensure the department is accurately, regularly, and*  
38 *comprehensively notified of child deaths by each county,*  
39 *investigates those deaths, concludes whether the deaths were*  
40 *preventable by systemic reforms at the county child protective*

1 *services agency, and takes action to ensure that county policies*  
2 *and practices provide quality services that protect the safety and*  
3 *health of the children are in compliance with state and federal*  
4 *law. The department shall have policies and practices in place to*  
5 *monitor each county's case review system to ensure that a review*  
6 *of each child's status is made no less frequently than every six*  
7 *months.*

8 (j)

9 (3) Each county welfare department or agency shall notify the  
10 State Department of Social Services of every child fatality that  
11 occurred within its jurisdiction that was the result of child abuse  
12 or neglect. Based on these notices and any other relevant  
13 information in the State Department of Social Services' possession,  
14 the department shall annually issue a report ~~identifying the child~~  
15 ~~fatalities and any systemic issues or patterns revealed by the notices~~  
16 ~~and other relevant information. The State Department of Social~~  
17 ~~Services, after consultation with interested stakeholders, shall~~  
18 ~~provide instructions by an all-county letter regarding the procedure~~  
19 ~~for notification. that includes all of the following:~~

20 (A) *Child death information stated separately for each county*  
21 *and a statement as to whether the State Department of Social*  
22 *Services has taken steps to ensure county compliance with the*  
23 *requirement to notify the department of child deaths.*

24 (B) *A comparison of child death information over multiple years,*  
25 *commencing with the 2015 calendar year up to the current year*  
26 *in which the report is being prepared.*

27 (C) *Of the number of all child deaths resulting from abuse or*  
28 *neglect in each county, the percentage of these deaths that were*  
29 *those of children who had previously received child welfare*  
30 *services in the county where the child's death occurred, or who*  
31 *had been the subject of a report of possible abuse and neglect*  
32 *received by the county child welfare agency.*

33 (D) *An analysis of the circumstances leading to each child's*  
34 *death where the child had previously received child welfare*  
35 *services in the county where the child's death occurred or where*  
36 *the child had been the subject of a report of possible abuse and*  
37 *neglect received by the county child welfare agency.*

38 (E) *An evaluation and conclusion of whether child welfare*  
39 *services provided to the child, if any, were provided in a manner*

1 *that is consistent with state law, federal law, and county policies*  
2 *and procedures.*

3 *(F) The steps the State Department of Social Services took to*  
4 *investigate the circumstances of each child death and the county's*  
5 *compliance with state law, federal law, and the county's policies*  
6 *and procedures, including, but not limited to, the number of county*  
7 *case files that were reviewed, the names of the department staff*  
8 *who conducted the investigations, the names and titles of the county*  
9 *officials and staff interviewed as a part of the investigation, a*  
10 *summary of the substance of those interviews, and the county*  
11 *policies and practices reviewed.*

12 *(G) The steps, if any, the State Department of Social Services*  
13 *took to ensure that state law, federal law, and county policies and*  
14 *procedures are being followed after the investigation and the*  
15 *monitoring the department has implemented.*

16 *(H) By county, whether a review of each child's status is made*  
17 *no less frequently than once every six months, either by a court or*  
18 *by an administrative review, and the steps the State Department*  
19 *of Social Services took to verify the conclusions of the review,*  
20 *including, but not limited to, the name of the department staff*  
21 *conducting the investigation, the number of case files reviewed,*  
22 *the names of county officials interviewed, and a summary of the*  
23 *substance of those interviews.*

24 *(I) Copies of the independently conducted audits.*

25 *(J) Copies of all documents related to the State Department of*  
26 *Social Services' monitoring and evaluation of activities carried*  
27 *out in the state's Title IV-E program, including county child*  
28 *welfare activities.*

29 (k) For purposes of this section, the following definitions apply:

30 (1) "Child abuse or neglect" has the same meaning as defined  
31 in Section 11165.6 of the Penal Code.

32 (2) "Custodian of records," for the purposes of this section and  
33 paragraph (2) of subdivision (a) of Section 827, means the county  
34 welfare department or agency.

35 (3) "Juvenile case files" or "case files" include any juvenile  
36 court files, as defined in Rule 5.552 of the California Rules of  
37 Court, and any county child welfare department or agency or State  
38 Department of Social Services records regardless of whether they  
39 are maintained electronically or in paper form.

1 (4) “Substantiated” has the same meaning as defined in Section  
2 11165.12 of the Penal Code.

3 (l) A person disclosing juvenile case file information as required  
4 by this section shall not be subject to suit in civil or criminal  
5 proceedings for complying with the requirements of this section.

6 (m) This section shall apply only to deaths that occur on or after  
7 January 1, 2008.

8 (n) Nothing in this section shall require a custodian of records  
9 to retain documents beyond any date otherwise required by law.

10 (o) Nothing in this section shall be construed as requiring a  
11 custodian of records to obtain documents not in the case file.

12 ~~SECTION 1. Section 10850.4 of the Welfare and Institutions~~  
13 ~~Code is amended to read:~~

14 ~~10850.4. (a) Within five business days of learning that a child~~  
15 ~~fatality has occurred in the county and that there is a reasonable~~  
16 ~~suspicion that the fatality was caused by abuse or neglect, the~~  
17 ~~custodian of records for the county child welfare agency, upon~~  
18 ~~request, shall release the following information:~~

- 19 ~~(1) The age and gender of the child.~~
- 20 ~~(2) The date of death.~~
- 21 ~~(3) Whether the child was in foster care or in the home of his~~  
22 ~~or her parent or guardian at the time of death.~~
- 23 ~~(4) Whether an investigation is being conducted by a law~~  
24 ~~enforcement agency or the county child welfare agency.~~

25 ~~(b) All cases in which abuse or neglect leads to a child’s death~~  
26 ~~shall be subject to the disclosures required in subdivision (c). Abuse~~  
27 ~~or neglect is determined to have led to a child’s death if one or~~  
28 ~~more of the following conditions are met:~~

- 29 ~~(1) A county child protective services agency determines that~~  
30 ~~the abuse or neglect was substantiated.~~
- 31 ~~(2) A law enforcement investigation concludes that abuse or~~  
32 ~~neglect occurred.~~
- 33 ~~(3) A coroner or medical examiner concludes that the child who~~  
34 ~~died had suffered abuse or neglect.~~

35 ~~(c) Upon completion of the child abuse or neglect investigation~~  
36 ~~into the child’s death, as described in subdivision (b), the following~~  
37 ~~documents from the juvenile case file shall be released by the~~  
38 ~~custodian of records upon request, subject to the redactions set~~  
39 ~~forth in subdivision (e):~~

- 40 ~~(1) All of the information in subdivision (a).~~

1     ~~(2) For cases in which the child's death occurred while living~~  
2     ~~with a parent or guardian, all previous referrals of abuse or neglect~~  
3     ~~of the deceased child while living with that parent or guardian~~  
4     ~~shall be disclosed along with the following documents:~~  
5     ~~(A) The emergency response referral information form and the~~  
6     ~~emergency response notice of referral disposition form completed~~  
7     ~~by the county child welfare agency relating to the abuse or neglect~~  
8     ~~that caused the death of the child.~~  
9     ~~(B) Any cross reports completed by the county child welfare~~  
10    ~~agency to law enforcement relating to the deceased child.~~  
11    ~~(C) All risk and safety assessments completed by the county~~  
12    ~~child welfare services agency relating to the deceased child.~~  
13    ~~(D) All health care records of the deceased child, excluding~~  
14    ~~mental health records, related to the child's death and previous~~  
15    ~~injuries reflective of a pattern of abuse or neglect.~~  
16    ~~(E) Copies of police reports about the person against whom the~~  
17    ~~child abuse or neglect was substantiated.~~  
18    ~~(3) For cases in which the child's death occurred while the child~~  
19    ~~was in foster care, the following documents in addition to those~~  
20    ~~specified in paragraphs (1) and (2) generated while the child was~~  
21    ~~living in the foster care placement that was the placement at the~~  
22    ~~time of the child's death:~~  
23    ~~(A) Records pertaining to the foster parents' initial licensing~~  
24    ~~and renewals and type of license or licenses held, if in the case~~  
25    ~~file.~~  
26    ~~(B) All reported licensing violations, including notices of action,~~  
27    ~~if in the case file.~~  
28    ~~(C) Records of the training completed by the foster parents, if~~  
29    ~~in the case file.~~  
30    ~~(d) The documents listed in subdivision (e) shall be released to~~  
31    ~~the public by the custodian of records within 10 business days of~~  
32    ~~the request or the disposition of the investigation, whichever is~~  
33    ~~later.~~  
34    ~~(e) (1) Prior to releasing any document pursuant to subdivision~~  
35    ~~(e), the custodian of records shall redact the following information:~~  
36    ~~(A) The names, addresses, telephone numbers, ethnicity,~~  
37    ~~religion, or any other identifying information of any person or~~  
38    ~~institution, other than the county or the State Department of Social~~  
39    ~~Services, that is mentioned in the documents listed in paragraphs~~  
40    ~~(2) and (3) of subdivision (e).~~

1 ~~(B) Any information that would, after consultation with the~~  
2 ~~district attorney, jeopardize a criminal investigation or proceeding.~~

3 ~~(C) Any information that is privileged, confidential, or not~~  
4 ~~subject to disclosure pursuant to any other state or federal law.~~

5 ~~(2) (A) The State Department of Social Services shall~~  
6 ~~promulgate a regulation listing the laws described in subparagraph~~  
7 ~~(C) of paragraph (1) and setting forth standards governing~~  
8 ~~redactions.~~

9 ~~(B) Notwithstanding the rulemaking provisions of the~~  
10 ~~Administrative Procedure Act (Chapter 3.5 (commencing with~~  
11 ~~Section 11340) of Part 1 of Division 3 of Title 2 of the Government~~  
12 ~~Code), until emergency regulations are filed with the Secretary of~~  
13 ~~State, the State Department of Social Services may implement the~~  
14 ~~changes made to Section 827 and this section at the 2007-08~~  
15 ~~Regular Session of the Legislature through all-county letters or~~  
16 ~~similar instructions from the director. The department shall adopt~~  
17 ~~emergency regulations, as necessary to implement those changes,~~  
18 ~~no later than January 1, 2009.~~

19 ~~(C) The adoption of regulations pursuant to this paragraph shall~~  
20 ~~be deemed to be an emergency necessary for the immediate~~  
21 ~~preservation of the public peace, health, safety, or general welfare.~~  
22 ~~The emergency regulations authorized by this section shall be~~  
23 ~~exempt from review by the Office of Administrative Law. The~~  
24 ~~emergency regulations authorized by this section shall be submitted~~  
25 ~~for filing with the Secretary of State and shall remain in effect for~~  
26 ~~no more than 180 days, by which time the final regulations shall~~  
27 ~~be adopted.~~

28 ~~(f) Upon receiving a request for the documents listed in~~  
29 ~~subdivision (e), the custodian of records shall notify and provide~~  
30 ~~a copy of the request upon counsel for any child who is directly~~  
31 ~~or indirectly connected to the juvenile case file. If counsel for a~~  
32 ~~child, including the deceased child or any sibling of the deceased~~  
33 ~~child, objects to the release of any part of the documents listed in~~  
34 ~~paragraphs (2) and (3) of subdivision (e), they may petition the~~  
35 ~~juvenile court for relief to prevent the release of any document or~~  
36 ~~part of a document requested pursuant to paragraph (2) of~~  
37 ~~subdivision (a) of Section 827.~~

38 ~~(g) Documents from the juvenile case file, other than those listed~~  
39 ~~in paragraphs (2) and (3) of subdivision (e), shall only be disclosed~~  
40 ~~upon an order by the juvenile court pursuant to Section 827.~~

1 ~~(h) Once documents pursuant to this section have been released~~  
2 ~~by the custodian of records, the State Department of Social Services~~  
3 ~~or the county welfare department or agency may comment on the~~  
4 ~~case within the scope of the release.~~

5 ~~(i) Information released by a custodian of records consistent~~  
6 ~~with the requirements of this section does not require prior notice~~  
7 ~~to any other individual.~~

8 ~~(j) (1) Each county welfare department or agency shall notify~~  
9 ~~the State Department of Social Services of every child fatality that~~  
10 ~~occurred within its jurisdiction that was the result of child abuse~~  
11 ~~or neglect. Based on these notices and any other relevant~~  
12 ~~information in the State Department of Social Services' possession,~~  
13 ~~the department shall annually issue a report identifying the child~~  
14 ~~fatalities and any systemic issues or patterns revealed by the notices~~  
15 ~~and other relevant information. The State Department of Social~~  
16 ~~Services, after consultation with interested stakeholders, shall~~  
17 ~~provide instructions by an all-county letter regarding the procedure~~  
18 ~~for notification.~~

19 ~~(2) Commencing January 1, 2014, the report required under~~  
20 ~~paragraph (1) shall also be based upon the county child welfare~~  
21 ~~agency death review reports provided to the State Department of~~  
22 ~~Social Services pursuant to subdivision (b) of Section 10850.45,~~  
23 ~~and shall include the following additional information:~~

24 ~~(A) Child death information stated separately for each county.~~

25 ~~(B) Whether each county prepared and submitted to the State~~  
26 ~~Department of Social Services the child death review reports~~  
27 ~~required by Section 10850.45.~~

28 ~~(C) A comparison of child death information over multiple~~  
29 ~~years, commencing with the 2014 calendar year up to the current~~  
30 ~~year in which the report is being prepared, and an analysis of~~  
31 ~~whether these deaths indicate any systemic issues or patterns that~~  
32 ~~need improvement.~~

33 ~~(D) Of the number of all child deaths resulting from abuse or~~  
34 ~~neglect in each county, the percentage of these deaths that were~~  
35 ~~those of children who had previously received child welfare~~  
36 ~~services in the county where the child's death occurred.~~

37 ~~(k) For purposes of this section, the following definitions apply:~~

38 ~~(1) "Child abuse or neglect" has the same meaning as defined~~  
39 ~~in Section 11165.6 of the Penal Code.~~

1     ~~(2) “Custodian of records,” for the purposes of this section and~~  
2 ~~paragraph (2) of subdivision (a) of Section 827, means the county~~  
3 ~~welfare department or agency.~~

4     ~~(3) “Juvenile case files” or “case files” include any juvenile~~  
5 ~~court files, as defined in Rule 5.552 of the California Rules of~~  
6 ~~Court, and any county child welfare department or agency or State~~  
7 ~~Department of Social Services records regardless of whether they~~  
8 ~~are maintained electronically or in paper form.~~

9     ~~(4) “Substantiated” has the same meaning as defined in Section~~  
10 ~~11165.12 of the Penal Code.~~

11     ~~(l) A person disclosing juvenile case file information as required~~  
12 ~~by this section shall not be subject to suit in civil or criminal~~  
13 ~~proceedings for complying with the requirements of this section.~~

14     ~~(m) This section shall apply only to deaths that occur on or after~~  
15 ~~January 1, 2008.~~

16     ~~(n) Nothing in this section shall require a custodian of records~~  
17 ~~to retain documents beyond any date otherwise required by law.~~

18     ~~(o) Nothing in this section shall be construed as requiring a~~  
19 ~~custodian of records to obtain documents not in the case file.~~

20     ~~SEC. 2. Section 10850.45 is added to the Welfare and~~  
21 ~~Institutions Code, to read:~~

22     ~~10850.45. (a) A county child welfare agency shall, within 60~~  
23 ~~calendar days of determining that abuse or neglect led to a child’s~~  
24 ~~death in the county as described in subdivision (b) of Section~~  
25 ~~10850.4, review the child’s death and prepare a written report that~~  
26 ~~contains all of the following:~~

27     ~~(1) An analysis of the circumstances leading to the child’s death.~~

28     ~~(2) An evaluation of whether child welfare services provided~~  
29 ~~to the child, if any, could have been improved.~~

30     ~~(3) If the agency’s evaluation under paragraph (2) determines~~  
31 ~~that child welfare services delivered to the child could have been~~  
32 ~~improved, recommendations regarding how to improve the delivery~~  
33 ~~of child welfare services for children in the future.~~

34     ~~(b) (1) A county child welfare agency shall provide the State~~  
35 ~~Department of Social Services with a copy of each report prepared~~  
36 ~~pursuant to subdivision (a), within 10 business days of completing~~  
37 ~~the report.~~

38     ~~(2) The State Department of Social Services shall review the~~  
39 ~~reports provided under paragraph (1) for any systemic issues or~~  
40 ~~patterns that need improvement.~~

1 ~~SEC. 3. If the Commission on State Mandates determines that~~  
2 ~~this act contains costs mandated by the state, reimbursement to~~  
3 ~~local agencies and school districts for those costs shall be made~~  
4 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~  
5 ~~4 of Title 2 of the Government Code.~~

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